

**BOARD OF ZONING APPEALS**

**Springfield, Ohio  
Monday April 19, 2021  
7:00 P.M.  
City Hall Forum**

**Meeting Minutes  
(Summary format)**

Vice-Chairperson Ms. Williams called the meeting to order at 7:37 P.M.

MEMBERS PRESENT: Mr. Charles Harris, Ms. Rhonda Zimmers, Mr. Mathew Ryan and Mr. Brown and Ms. Denise Williams

MEMBERS ABSENT: Ms. Gaier and Mr. Burkhardt

OTHERS PRESENT: Stephen Thompson, Planning, Zoning, and Code Administrator  
Cheyenne Pinkerman, Community Development Specialist.

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**SUBJECT: Approval March 15, 2021 meeting minutes.**

Ms. Williams asked if the Board had any corrections or additions to add to the minutes.

Hearing none, Ms. Williams asked the Board members to voice yes if they were in favor of approving the minutes. Members voiced yes.

Ms. Williams asked if any opposed to voice nay. Hearing none, Ms. Williams stated the minutes stand approved.

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**Case #21-A-12 Request from Shawn Markley for a conditional use permit for cargo containers at 850 N Belmont Ave. in a C1-1, Intensive Commercial District.**

Ms. Williams stated that the public hearing was now open and asked for Mr. Thompson to read the staff report.

The applicant seeks a conditional use permit to allow cargo containers on the property. The property is used for new and used tire sales and service. The containers are on site and are used to store tires. This prevents them from being exposed to the elements and harboring mosquitoes.

**ANALYSIS for Conditional Use:**

In considering an application for a conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a conditional use, the Board shall review the

facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that the proposed conditional use at the proposed location:

(1) Would not be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. The Board shall use and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering organizations, and can be applied to the proposed use, to assist it in reaching a fair and objective decision;

***Staff Comment:*** *It would not.*

(2) Is in fact a conditional use as established under the provisions of this Springfield Zoning Code as eligible to be permitted in the district involved;

***Staff Comment:*** *Yes.*

(3) Will be harmonious with and in accordance with the general objectives, or with any specific objective of this Springfield Zoning Code;

***Staff Comment:*** *Yes.*

(4) Will be designed, constructed, operated and maintained as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;

***Staff Comment:*** *Yes.*

(5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

***Staff Comment:*** *Yes.*

(6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

***Staff Comment:*** *It will not.*

(7) Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares. Upon authorizing a conditional use, the Board shall impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this

Springfield Zoning Code for the particular conditional use, as the Board may deem necessary for the protection of adjacent properties and the public interest.

*Staff Comment: Yes, it does.*

**RETURNED REPORTS FROM STAFF:**

Service/Engineering Department:	Recommend approval
Building Inspections:	Recommend approval
Police Division:	Recommend approval
Fire Department:	Recommend approval
City Manager's Office:	Recommend approval

**STAFF RECOMMENDATION:**

Approval of the conditional use permit.

Ms. Williams asked if the board had any questions for Mr. Thompson. Hearing none, Ms. Williams asked if the applicant wished to speak.

Ms. Zimmers asked if there were any complaints.

Mr. Thompson stated there has been no complaints.

Ms. Williams asked if there were any further questions or if anyone else wished to speak. Hearing none, Ms. Williams asked for a motion to close the public hearing.

**MOTION:** Mr. Ryan made a motion to close the public hearing. Seconded by Mr. Harris. Approval by voice vote.

Ms. Williams stated that the public hearing was now closed and asked for a motion to approve Case #21-A-12.

**MOTION:** Motion by Mr. Harris to approve a conditional use permit for cargo containers at 850 N Belmont Ave. in a C1-1, Intensive Commercial District. Seconded by Mr. Ryan.

Hearing no further discussion or questions, the Board determined the following findings of facts:

1. There is no opposition.
2. Board has approved this type of variance in the past.

**YEAS:** Mr. Brown, Mr. Ryan, Mr. Harris, and Ms. Williams.

NAYS: None.

Motion approved 4 to 0.

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**Case #21-A-13 Request from Shawn Markley for a variance from Chapter 1135.27 (e) for cargo containers in a front yard setback at 850 N Belmont Ave. in a C1-1, Intensive Commercial District**

Ms. Williams stated that the public hearing was now open and asked for Mr. Thompson to read the staff report.

The applicant seeks a variance from Chapter 1135.27 to allow for cargo containers in a front yard setback. The front yard setback in the CI-1 district is 20 feet from the property line.

**ANALYSIS for Variance:**

The Board may grant a variance only where there exists a “practical difficulty” as defined by the courts in Ohio in established case law. The Ohio Supreme Court’s decision in Kisil v. City of Sandusky, (1984) 12 Ohio State 3d 30, is a land mark decision in establishing common law governing variances by distinguishing between “use” and “area variances.” Area variances involve an exception from such requirements as yard, lot, and height standards. The Supreme Court established that a practical difficulty must exist before an area variance can be granted.

Then subsequent to this case, in Duncan v. Village of Middlefield, (1986) 23 Ohio 3d 83, the Ohio Supreme Court more fully explained the practical difficulty standards. The factors to be considered and weighed in determining whether a property owner seeking a variance has encountered a practical difficulty in the use of his/her property include, but are not limited to:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

*Staff Comment: Yes.*

2. Whether the variance is substantial;

*Staff Comment: Yes.*

3. Whether the essential character of the neighborhood will be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

*Staff Comment: No.*

4. Whether the variance would adversely affect the delivery of government services (e.g., water, sewer);

*Staff Comment: No.*

5. Whether the property owner purchased the property with the knowledge of the zoning restrictions;

*Staff Comment: No.*

6. Whether the property owner's predicament can be obviated through some method other than a variance; or

*Staff Comment: Yes.*

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

*Staff Comment: Yes.*

**RETURNED REPORTS FROM STAFF:**

Service/Engineering Department: Recommend approval

Building Inspections: Recommend approval

Fire Department: Recommend approval

Police Department Recommend approval

City Manager's Office: Recommend approval

**STAFF RECOMMENDATION:**

Approval of the variance.

Ms. Williams asked if the board had any questions for Mr. Thompson. Ms. Williams asked if the applicant or applicant's agent wished to speak. Hearing none, Ms. Williams asked for a motion to close the public hearing,

**MOTION:** Mr. Brown made a motion to close the public hearing. Seconded by Ms. Zimmers. Approval by voice vote.

Ms. Williams stated that the public hearing was now closed and asked for a motion to approve Case #21-A-13.

**MOTION:** Motion by Mr. Ryan to approve a variance from Chapter 1135.27 (e) for cargo containers in a front yard setback at 850 N Belmont Ave. in a C1-1, Intensive Commercial District. Seconded by Mr. Brown.

Hearing no further discussion or questions, the Board determined the following findings of facts:

1. There is no opposition.
2. Board has approved this type of variance in the past.

**YEAS:** Ms. Zimmers, Mr. Harris, Mr. Brown, Mr. Ryan, and Ms. Williams.

**NAYS:** None

**Motion approved 5 to 0.**

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**Case #21-A-19 Request from Shawn Markley for a variance from Chapter 1135.27 (e) for cargo containers exceeding 7% of the floor area of permanent structures on site at 850 N Belmont Ave. in a C1-1, Intensive Commercial District.**

Ms. Williams stated that the public hearing was now open and asked for Mr. Thompson to read the staff report.

The applicant seeks a variance from Chapter 1135.27 to allow for cargo containers that exceed 7% of the floor area of permanent structures on site. There are currently two containers on-site.

**ANALYSIS for Variance:**

The Board may grant a variance only where there exists a “practical difficulty” as defined by the courts in Ohio in established case law. The Ohio Supreme Court’s decision in Kisil v. City of Sandusky, (1984) 12 Ohio State 3d 30, is a land mark decision in establishing common law governing variances by distinguishing between “use” and “area variances.” Area variances involve an exception from such requirements as yard, lot, and height standards. The Supreme Court established that a practical difficulty must exist before an area variance can be granted.

Then subsequent to this case, in Duncan v. Village of Middlefield, (1986) 23 Ohio 3d 83, the Ohio Supreme Court more fully explained the practical difficulty standards. The factors to be considered and weighed in determining whether a property owner seeking a variance has encountered a practical difficulty in the use of his/her property include, but are not limited to:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

***Staff Comment: Yes...***

2. Whether the variance is substantial;

***Staff Comment: Yes.***

3. Whether the essential character of the neighborhood will be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the

variance;

*Staff Comment: No.*

4. Whether the variance would adversely affect the delivery of government services (e.g., water, sewer);

*Staff Comment: No.*

5. Whether the property owner purchased the property with the knowledge of the zoning restrictions;

*Staff Comment: No.*

6. Whether the property owner's predicament can be obviated through some method other than a variance; or

*Staff Comment: Yes.*

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

*Staff Comment: Yes.*

**RETURNED REPORTS FROM STAFF:**

Service/Engineering Department: Recommend approval

Building Inspections: Recommend approval

Police Division: Recommend denial

Fire Department: Recommend approval

City Manager's Office: Recommend approval

**STAFF RECOMMENDATION:**

Approval of the variance.

Ms. Williams asked if the board had any questions for Mr. Thompson. Ms. Williams asked if the board had any further questions for the applicant. Hearing none, Ms. Williams asked if there was anyone else that wished to speak. Hearing none, Ms. Williams asked for a motion to close the public hearing,

**MOTION:** Ms. Zimmers made a motion to close the public hearing. Seconded by Mr. Brown. Approval by voice vote.

Ms. Williams stated that the public hearing was now closed and asked for a motion to approve Case #21-A-19.

**MOTION:** Motion by to approve a variance from Chapter 1135.27 (e) for cargo containers exceeding 7% of the floor area of permanent structures on site at 850 N Belmont Ave. in a C1-1, Intensive Commercial District. Seconded by Mr. Harris.

Hearing no further discussion or questions, the Board determined the following findings of facts:

1. There is no opposition.
2. The board has approved these in the past.

**YEAS:** Mr. Ryan, Mr. Brown, Mr. Harris, Ms. Zimmers, and Ms. Williams.

**NAYS:** None.

**Motion approved 5 to 0.**

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**Case #21-A-14 Request from Green Environmental Outreach for a conditional use permit for a community center (community garden) on S Plum Street, parcel #3400600004406001 in a RS-8, Medium-Density, Single-Family Residence District.**

Ms. Williams stated that the public hearing was now open and asked for Mr. Thompson to read the staff report.

The applicant seeks a conditional use permit to start a community garden.

**ANALYSIS for Conditional Use:**

In considering an application for a conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a conditional use, the Board shall review the facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that the proposed conditional use at the proposed location:

- (1) Would not be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. The Board shall use and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering organizations, and can be applied to the proposed use, to assist it in reaching a fair and objective decision;

*Staff Comment: It would not.*



- (2) Is in fact a conditional use as established under the provisions of this Springfield Zoning Code as eligible to be permitted in the district involved;

*Staff Comment: Yes.*

- (3) Will be harmonious with and in accordance with the general objectives, or with any specific objective of this Springfield Zoning Code;

*Staff Comment: Yes.*

- (4) Will be designed, constructed, operated and maintained as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;

*Staff Comment: Yes.*

- (5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

*Staff Comment: Yes.*

- (6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

*Staff Comment: It will not.*

- (7) Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares. Upon authorizing a conditional use, the Board shall impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Springfield Zoning Code for the particular conditional use, as the Board may deem necessary for the protection of adjacent properties and the public interest.

*Staff Comment: Yes, it does.*

**RETURNED REPORTS FROM STAFF:**

Service/Engineering Department: Recommend approval

Building Inspections: Recommend approval

Police Division: Recommend approval

Fire Department: Recommend approval

City Manager's Office: Recommend approval

**STAFF RECOMMENDATION:**

Approval of the conditional use permit.

Ms. Williams asked if the board had any questions for Mr. Thompson. Hearing none, Ms. Williams asked if the applicant wished to speak. Hearing none, Ms. Williams asked if anyone one else wished to speak.

Ms. Patricia Stinnett, 405 Oakwood Place, Springfield, OH.

Ms. Stinnett questioned the amount of properties that were going to be used for the gardens. Ms. Stinnett asked how they would get water and if they would be building a building. Ms. Stinnett explained the business that used to be there was Benjamin Steele. Ms. Stinnett explained there were several feet of concrete underground.

Mr. Thompson explained it was for one parcel on the west side of Plum Street.

Ms. Angela Tyree, 604 Zeller, Springfield, OH.

Ms. Tyree explained the lot was donated to Green Environmental and planned to build a garden for the community to join in and use. Ms. Tyree explained they had hopes for the future to have a community center. Ms. Tyree explained they had hopes for a pocket park in the future as well. Ms. Tyree explained the plan was not set in stone but something community related needed to be done with the space.

Ms. Stinnett explained the lot is dumped on a lot. Ms. Stinnett expressed concerns about where they could plant the gardens because of the concrete. Ms. Stinnett asked where they would be getting water for the gardens.

Ms. Tyree explained they planned to start with water collection barrels and also water collected from the roof of the shed they were getting a variance for. Ms. Tyree explained once the gardens had raised enough money they planned to install water on one of the other properties.

Ms. Stinnett questioned where those lots would be.

Ms. Tyree explained where the lots were and explained there was a garden on one of the lots. Ms. Tyree explained the water and shed would be on that lot.

Ms. Stinnett explained if the property was kept up and it did not affect their property then she was ok with it.

Ms. Tyree explained they have done a lot of clean up since acquiring the property. Ms. Tyree asked if Ms. Stinnett would be interested in talking about the future of the property at a later date.

Ms. Stinnett stated she would be willing to do that.

Mr. Blair Stanley, 378 Ludlow Avenue, Springfield, OH.

Mr. Stanley stated he would be concerned about starting a garden in Springfield due to lead paint. Mr. Blair stated he would be concerned about oil and chemicals as well.

Ms. Tyree explained they worked with the health department and tested the soils in the area they want to have the gardens. Ms. Tyree explained they plan to use raised beds.

Ms. Williams asked if the board had any further questions for the applicant. Hearing none, Ms. Williams asked if there was anyone else that wished to speak. Hearing none, Ms. Williams asked for a motion to close the public hearing.

**MOTION:** Mr. Brown made a motion to close the public hearing. Seconded by Ms. Zimmers. Approval by voice vote.

Ms. Williams stated that the public hearing was now closed and asked for a motion to approve Case #21-A-14.

**MOTION:** Motion by Ms. Zimmers to approve a conditional use permit for a community center (community garden) on S Plum Street, parcel #3400600004406001 in a RS-8, Medium-Density, Single-Family Residence District. Seconded by Mr. Harris.

Hearing no further discussion or questions, the Board determined the following findings of facts:

1. There is no opposition.
2. Questions from neighbors were answered.
3. It will benefit the area.

**YEAS:** Mr. Ryan, Mr. Brown, Mr. Harris, Ms. Zimmers, and Ms. Williams.

**NAYS:** None.

**Motion approved 5 to 0.**

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**Case #21-A-15 Request from Green Environmental Outreach for a variance from Chapter 1101.03 for an accessory structure on a lot without a permanent structure on S Plum Street, parcel #3400600004406001 in a RS-8, Medium-Density, Single-Family Residence District.**

Ms. Williams stated that the public hearing was now open and asked for Mr. Thompson to read the staff report.

The applicant seeks a variance from Chapter 1101.03 to allow for an accessory structure on a lot without a principal structure. The shed will be used to store tools and other equipment for maintaining the gardens.

### **ANALYSIS for Variance:**

The Board may grant a variance only where there exists a “practical difficulty” as defined by the courts in Ohio in established case law. The Ohio Supreme Court’s decision in Kisil v. City of Sandusky, (1984) 12 Ohio State 3d 30, is a land mark decision in establishing common law governing variances by distinguishing between “use” and “area variances.” Area variances involve an exception from such requirements as yard, lot, and height standards. The Supreme Court established that a practical difficulty must exist before an area variance can be granted.

Then subsequent to this case, in Duncan v. Village of Middlefield, (1986) 23 Ohio 3d 83, the Ohio Supreme Court more fully explained the practical difficulty standards. The factors to be considered and weighed in determining whether a property owner seeking a variance has encountered a practical difficulty in the use of his/her property include, but are not limited to:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

***Staff Comment: Yes.***

2. Whether the variance is substantial;

***Staff Comment: Yes.***

3. Whether the essential character of the neighborhood will be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

***Staff Comment: No.***

4. Whether the variance would adversely affect the delivery of government services (e.g., water, sewer);

***Staff Comment: No.***

5. Whether the property owner purchased the property with the knowledge of the zoning restrictions;

***Staff Comment: No.***

6. Whether the property owner's predicament can be obviated through some method other than a variance; or

*Staff Comment: Yes.*

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

*Staff Comment: Yes.*

**RETURNED REPORTS FROM STAFF:**

Service/Engineering Department: Recommend approval

Building Inspections: Recommend approval

Police Division: Recommend approval

Fire Department: Recommend approval

City Manager's Office: Recommend approval

**STAFF RECOMMENDATION:**

Approval of the variance.

Ms. Williams asked if the board had any questions for Mr. Thompson.

Ms. Williams asked if the applicant or the applicant's agent wished to speak. Hearing none, Ms. Williams asked if there was anyone else that wished to speak. Hearing none, Ms. Williams asked for a motion to close the public hearing.

**MOTION:** Mr. Ryan made a motion to close the public hearing. Seconded by Mr. Brown. Approval by voice vote.

Ms. Williams stated that the public hearing was now closed and asked for a motion to approve Case #21-A-15.

**MOTION:** Motion by Ms. Zimmers to approve a variance from Chapter 1101.03 for an accessory structure on a lot without a permanent structure on S Plum Street, parcel #3400600004406001 in a RS-8, Medium-Density, Single-Family Residence District. Seconded by Mr. Ryan.

Hearing no further discussion or questions, the Board determined the following findings of facts:

1. There is no opposition.
2. Questions from neighbors were answered.
3. It will benefit the area.

**YEAS:** Mr. Ryan, Mr. Brown, Mr. Harris, Ms. Zimmers, and Ms. Williams.

**NAYS:** None.

**Motion approved 5 to 0.**

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**Case #21-A-16 Request from Speakeasy Ventures for a conditional use permit for a carry out only restaurant at 366 Ludlow Ave. in a CN-2, Neighborhood Commercial District.**

Ms. Williams stated that the public hearing was now open and asked for Mr. Thompson to read the staff report.

The applicant seeks a conditional use permit to open a carry-out only restaurant. The parcel was rezoned from RS-8 to CN-2 in 2021. The restaurant will have limited seating for patrons to wait to receive their food. Five off-street parking spaces will be required for this type of restaurant.

**ANALYSIS for Conditional Use:**

In considering an application for a conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a conditional use, the Board shall review the facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that the proposed conditional use at the proposed location:

- (1) Would not be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. The Board shall use and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering organizations, and can be applied to the proposed use, to assist it in reaching a fair and objective decision;

***Staff Comment:*** *It would not.*

- (2) Is in fact a conditional use as established under the provisions of this Springfield Zoning Code as eligible to be permitted in the district involved;

***Staff Comment:*** *Yes.*

- (3) Will be harmonious with and in accordance with the general objectives, or with any specific objective of this Springfield Zoning Code;

*Staff Comment: Yes.*

- (4) Will be designed, constructed, operated and maintained as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;

*Staff Comment: Yes.*

- (5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

*Staff Comment: Yes.*

- (6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

*Staff Comment: It will not.*

- (7) Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares. Upon authorizing a conditional use, the Board shall impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Springfield Zoning Code for the particular conditional use, as the Board may deem necessary for the protection of adjacent properties and the public interest.

*Staff Comment: Yes, it does.*

**RETURNED REPORTS FROM STAFF:**

Service/Engineering Department:	Recommend approval
Building Inspections:	Recommend approval
Police Division:	Recommend approval
Fire Department:	Recommend approval
City Manager's Office:	Recommend approval

**STAFF RECOMMENDATION:**

Approval of the conditional use permit.

Ms. Williams asked if the board had any questions for Mr. Thompson.

Ms. Williams asked if there was any opposition.

Mr. Thompson stated he did receive concerns about traffic in the area and some other concerns.

Ms. Williams asked if the owner lived next to the property.

Mr. Thompson explained the owner did not live in the area.

Ms. Zimmers questioned if there was something to compare the size to.

Mr. Thompson stated there was not, this was the first time a restaurant of that size and style had been presented.

Ms. Zimmers asked if there would be restrictions on materials used.

Mr. Thompson stated as long as it meets building code standards, they would be permitted.

Ms. Zimmers asked if the applicant could move forward if the board denies the case.

Mr. Thompson stated the applicant could not move forward if the board denies the request.

Ms. Zimmers stated she was concerned about the amount of traffic and business that would be in the residential area.

Mr. Brown explained the building would not need to be that big for what the applicant is wanting to do. Mr. Brown explained it was not an eat-in restaurant.

Ms. Zimmers questioned what the concerns were from the community.

Mr. Thompson stated the complaints were mostly about parking and traffic. Mr. Thompson stated there were concerns about the speakeasy as well.

Ms. Williams asked if the board had any further questions for Mr. Thompson. Ms. Williams asked if there was anyone that wished to speak.

Mr. Michael Turner, 3019 Hillsdale Rd. Springfield, OH.

Mr. Turner explained he had concerns about parking. Mr. Turner explained he was a silent partner of Nifty Fifty's bar. Mr. Turner explained there were parking issues back when he owned them. Mr. Turner explained he owned several properties around the area and he had major concerns, as well as all the neighbors in the area. Mr. Turner explained the parking issues needed to be figured



out before adding another business. Mr. Turner explained he was also concerned because he owns property in the area.

Mr. Lonnie Cole Jr. 361 Linwood, Springfield, OH.

Mr. Cole explained he was there to speak on behalf of friends, family and himself and to contest the building. Mr. Cole explained he worked hard to buy his house and is close to paying off. Mr. Cole explained that the vacant lot across the street had been used for parking and cutting wood. The sound and mess had been unbearable. Mr. Cole explained the traffic has put his family at risk, his kids can no longer play outside his yard. Mr. Cole explained the existing restaurant does not have parking as it is, adding another restaurant would make it even worse and makes no sense. Mr. Cole suggested taking the business to a business district and out of the neighborhood.

Lisa Francisco Esteban, 1712 Lexington, Springfield, OH.

Ms. Esteban explained the parking is awful in the area. Ms. Esteban stated she agreed with Mr. Cole and stated the business was not a good idea.

Mr. Blair Stanley 378 Ludlow Avenue, Springfield, OH.

Mr. Stanley explained they planned to put a smoke house in the restaurant. Mr. Stanley explained the amount of smoke and logs will be bad. Mr. Stanley explained the employees start working around five in the morning. Mr. Stanley agreed there was a traffic/parking issue. Mr. Stanley stated the Speakeasy Ramen was really good but they did not need to build another restaurant. Mr. Stanley explained he was worried about animals being attracted to the smell from the trash cans. Mr. Stanley suggested finding a vacant building somewhere.

Ms. Williams asked if there was anyone else that wished to speak. Hearing none, Ms. Williams asked for a motion to close the public hearing.

**MOTION:** Ms. Zimmers made a motion to close the public hearing. Seconded by Mr. Harris. Approval by voice vote.

Ms. Williams stated that the public hearing was now closed and asked for a motion to approve Case #21-A-16.

**MOTION:** Motion by Mr. Ryan to approve a conditional use permit for a carry out only restaurant at 366 Ludlow Ave. in a CN-2, Neighborhood Commercial District. Seconded by Ms. Zimmers.

Hearing no further discussion or questions, the Board determined the following findings of facts:

1. There is opposition from neighbors.
2. There is concern about parking and traffic issues.
3. There are concerns about the smoke related to a smoke house.

**YEAS:** None.

**NAYS:** Mr. Ryan, Mr. Brown, Mr. Harris, Ms. Zimmers, and Ms. Williams

**Motion disapproved 5 to 0.**

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**Case #21-A-17 Request from Daniel Persinger for a conditional use permit for a community center (community garden) at 406-414 Sherman Ave. in a RS-8, Medium-Density, Single-Family Residence District.**

Ms. Williams stated that the public hearing was now open and asked for Mr. Thompson to read the staff report.

The applicant seeks a conditional use permit to start a community garden.

**ANALYSIS for Conditional Use:**

In considering an application for a conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a conditional use, the Board shall review the facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that the proposed conditional use at the proposed location:

- (1) Would not be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. The Board shall use and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering organizations, and can be applied to the proposed use, to assist it in reaching a fair and objective decision;

***Staff Comment:*** *It would not.*

- (2) Is in fact a conditional use as established under the provisions of this Springfield Zoning Code as eligible to be permitted in the district involved;

***Staff Comment:*** *Yes.*

- (3) Will be harmonious with and in accordance with the general objectives, or with any specific objective of this Springfield Zoning Code;

***Staff Comment:*** *Yes.*

- (4) Will be designed, constructed, operated and maintained as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use

will not change the essential character of the same area;

*Staff Comment: Yes.*

- (5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

*Staff Comment: Yes.*

- (6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

*Staff Comment: It will not.*

- (7) Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares. Upon authorizing a conditional use, the Board shall impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Springfield Zoning Code for the particular conditional use, as the Board may deem necessary for the protection of adjacent properties and the public interest.

*Staff Comment: Yes, it does.*

**RETURNED REPORTS FROM STAFF:**

Service/Engineering Department:	Recommend approval
Building Inspections:	Recommend approval
Police Division:	Recommend approval
Fire Department:	Recommend approval
City Manager's Office:	Recommend approval

**STAFF RECOMMENDATION:**

Approval of the conditional use permit.

Ms. Williams asked if the board had any questions for Mr. Thompson.

Ms. Zimmers asked if there was any opposition.

Mr. Thompson stated there were none.

Ms. Williams asked if the board had any questions for the applicant. Hearing none, Ms. Williams asked if there was anyone else that wished to speak. Hearing none, Ms. Williams asked for a motion to close the public hearing.

**MOTION:** Ms. Zimmers made a motion to close the public hearing. Seconded by Mr. Harris. Approval by voice vote.

Ms. Williams stated that the public hearing was now closed and asked for a motion to approve Case #21-A-17.

**MOTION:** Motion by Mr. Brown to approve a conditional use permit for a community center (community garden) at 406-414 Sherman Ave. in a RS-8, Medium-Density, Single-Family Residence District. Seconded by Ms. Zimmers. Hearing no further discussion or questions, the Board determined the following findings of facts:

1. There is no opposition.
2. It will benefit the neighborhood.
3. It is a good use for the property.

**YEAS:** Mr. Ryan, Mr. Brown, Mr. Harris, Ms. Zimmers, and Ms. Williams.

**NAYS:** None.

**Motion approved 5 to 0.**

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**Case #21-A-18 Request from Daniel Persinger for a variance from Chapter 1101.03 for an accessory structure on a lot without a permanent structure at 406-414 Sherman Ave. in a RS-8, Medium-Density, Single-Family Residence District.**

Ms. Williams stated that the public hearing was now open and asked for Mr. Thompson to read the staff report.

The applicant seeks a conditional use permit to start a community garden.

**ANALYSIS for Conditional Use:**

In considering an application for a conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a conditional use, the Board shall review the facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that the proposed conditional use at the proposed location:

- (1) Would not be hazardous, harmful, noxious, offensive or a nuisance to the surrounding

neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. The Board shall use and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering organizations, and can be applied to the proposed use, to assist it in reaching a fair and objective decision;

***Staff Comment:*** *It would not.*

- (2) Is in fact a conditional use as established under the provisions of this Springfield Zoning Code as eligible to be permitted in the district involved;

***Staff Comment:*** *Yes.*

- (3) Will be harmonious with and in accordance with the general objectives, or with any specific objective of this Springfield Zoning Code;

***Staff Comment:*** *Yes.*

- (4) Will be designed, constructed, operated and maintained as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;

***Staff Comment:*** *Yes.*

- (5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

***Staff Comment:*** *Yes.*

- (6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

***Staff Comment:*** *It will not.*

- (7) Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares. Upon authorizing a conditional use, the Board shall impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Springfield Zoning Code for the particular conditional use, as the Board may deem necessary for the protection of adjacent properties and the public interest.

***Staff Comment:*** *Yes, it does.*

### **RETURNED REPORTS FROM STAFF:**

Service/Engineering Department: Recommend approval  
Building Inspections: Recommend approval  
Police Division: Recommend approval  
Fire Department: Recommend approval  
City Manager's Office: Recommend approval

### **STAFF RECOMMENDATION:**

Approval of the conditional use permit.

Ms. Williams asked if the board had any questions for Mr. Thompson. Hearing none, Ms. Williams asked if there was anyone else that wished to speak. Hearing none, Ms. Williams asked for a motion to close the public hearing.

**MOTION:** Mr. Ryan made a motion to close the public hearing. Seconded by Ms. Zimmers. Approval by voice vote.

Ms. Williams stated that the public hearing was now closed and asked for a motion to approve Case #21-A-18.

**MOTION:** Motion by Ms. Zimmers to approve a variance from Chapter 1101.03 for an accessory structure on a lot without a permanent structure at 406-414 Sherman Ave. in a RS-8, Medium-Density, Single-Family Residence District. Seconded by Mr. Brown.

Hearing no further discussion or questions, the Board determined the following findings of facts:

1. There is no opposition.
2. It will benefit the neighborhood.
3. It is a good use for the property.

**YEAS:** Mr. Ryan, Mr. Brown, Mr. Harris, Ms. Zimmers, and Ms. Williams.

**NAYS:** None.

**Motion approved 5 to 0.**

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**Board Comments:** None.

**Staff Comments:** None.

**Subject:** Adjournment

Ms. Zimmers made a motion to adjourn the meeting. Seconded by Mr. Harris.

Ms. Gaier adjourned the meeting at 8:47 p.m.



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Ms. Dori Gaier, Chairperson

Ms. Denise Williams, Vice-Chairperson